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| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>  |  | ATTORNEY'S DOCKET NUMBER<br><b>LCI-101</b>                           |
| INTERNATIONAL APPLICATION NO.<br><b>PCT/US02/41525</b>   | INTERNATIONAL FILING DATE<br><b>23 December 2002</b> | U.S. APPLICATION NO. (If known, see 37 CFR 1.5)<br><b>10/501,846</b> |
| TITLE OF INVENTION<br><b>DUAL POWER BINOCULAR WITH ADJUSTABLE STOP</b>   |  | PRIORITY DATE CLAIMED<br><b>26 December 2001</b>                     |
| APPLICANT(S) FOR DO/EO/US<br><b>Ellis I. Betensky, James Brian Caldwell, and Klaus G. Raschke</b>  |  |  |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:  |  |  |
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> |  |  |
| Items 11 to 20 below concern document(s) or information included:  |  |  |
| <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input type="checkbox"/> A preliminary amendment.</li> <li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information: <b>Notification of Missing Requirements Under 35 U.S.C. 371; Fee Transmittal; Check for \$65; Extension of Time; Check for \$510; Return Receipt Postcard</b></li> </ol>   |  |  |

This collection of information is required by 37 CFR 1.414 and 1.481-1.482. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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|   |                     |   |   |  |                     |
|---|---------------------|---|---|--|---------------------|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5)<br><b>10/501,846</b>  |                     | INTERNATIONAL APPLICATION NO.<br><b>PCT/US02/41525</b>                        |   | ATTORNEY'S DOCKET NUMBER<br><b>LCI-101US</b> |                     |
| The following fees have been submitted  |                     |   |   | <b>CALCULATIONS</b>                          | <b>PTO-USE ONLY</b> |
| 21. <input type="checkbox"/> Basic national fee..... \$300  |                     |   |   | \$   |                     |
| 22. <input type="checkbox"/> Examination fee<br>If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... \$100<br>All other situations..... \$200  |                     |   |   | \$   |                     |
| 23. <input type="checkbox"/> Search fee<br>Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100<br>International Search Report prepared and provided to the Office..... \$400<br>All other situations..... \$500  |                     |   |   | \$   |                     |
| <b>TOTAL OF 21, 22 and 23 =</b>   |                     |   |   | \$   |                     |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium).<br>The fee is \$250 for each additional 50 sheets of paper or fraction thereof.   |                     |   |   |  |                     |
| Total Sheets  | Extra Sheets        | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE  |  |                     |
| - 100 =   | /50 =               |   | x \$250   | \$   |                     |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).  |                     |   |   | \$   | 130.00              |
| <b>CLAIMS</b>   | <b>NUMBER FILED</b> | <b>NUMBER EXTRA</b>   | <b>RATE</b>   | \$   |                     |
| Total claims  | - 20 =              |   | x \$50  | \$   |                     |
| Independent claims  | - 3 =               |   | x \$200   | \$   |                     |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)   |                     |   | + \$360   | \$   |                     |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |                     |   |   | \$   | 130.00              |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.   |                     |   |   |  |                     |
| <b>SUBTOTAL =</b>   |                     |   |   | \$   | 65.00               |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).   |                     |   |   | \$   |                     |
| <b>TOTAL NATIONAL FEE =</b>   |                     |   |   | \$   | 65.00               |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property  |                     |   |   | \$   |                     |
| <b>TOTAL FEES ENCLOSED =</b>  |                     |   |   | \$   | 65.00               |
|   |                     |   |   | Amount to be refunded:                       | \$                  |
|   |                     |   |   | Amount to be charged:                        | \$                  |
| a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>65.00</u> to cover the above fees is enclosed.<br>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.<br>A duplicate copy of this sheet is enclosed.<br>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>11-1158</u> . A duplicate copy of this sheet is enclosed.<br>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. |                     |   |   |  |                     |
| <b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.   |                     |   |   |  |                     |
| SEND ALL CORRESPONDENCE TO:   |                     |   |   |  |                     |
| Customer Number: <b>23,520</b>  |                     |   | <br>SIGNATURE<br>Maurice M. Klee, Ph.D. |  |                     |
|   |                     |   | NAME<br>30,399<br>REGISTRATION NUMBER   |  |                     |

07/01/2005 SNAJARRO 00000100 10501846

01 F:2617

65.00 0P

[261] Attorney Docket No. : LCI-101US

PATENT

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Int. Appl. No.: PCT/US02/41525  
Int. Filing Date: 23 December 2002  
Priority Date Claimed: 26 December 2001  
Title of Invention: DUAL POWER BINOCULAR WITH ADJUSTABLE STOP  
U.S. Serial No.: 10/501,846  
Applicant (U.S.): Ellis I. Betensky, James Brian Caldwell,  
and Klaus G. Raschke

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
ATTENTION: DO/EO/US

EXPRESS MAIL INFORMATION

Attached hereto are the following papers which are being mailed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service on the date indicated below:

1. Transmittal Form (PTO-1390; 2 pages; 2 copies)
2. Notification of Missing Requirements Under 35 U.S.C. 371 in the DO/EO/US (2 pages)
3. Declaration and Power of Attorney (4 pages, signed)
4. Fee Transmittal Form (PTO/SB/17; 1 page; 2 copies)
5. Check for \$65.00
6. Petition and Fee for Extension of Time (PTO/SB/22; 1 page; 2 copies)
7. Check for \$510.00
8. Express Mail Information (1 page; this page)
9. Return Receipt Postcard (1 card)

Date of mailing: June 27, 2005  
Express Mail mailing label number: ED 242614226  
Person depositing papers with  
the U.S. Postal Service: Anya Klee

June 27, 2005  
Date Signed

Anya Klee  
Anya Klee

Rec'd PCT/PTO 27 JUN 2005  
10/501846

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0851-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 65.00

## Complete if Known

Application Number 10/501,846  
Filing Date June 25, 2004  
First Named Inventor Betensky  
Examiner Name  
Art Unit  
Attorney Docket No. LCI-101US

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):  
11-1158 Maurice M. Klee, Ph.D.

☒ Deposit Account Deposit Account Number: 11-1158 Deposit Account Name: Maurice M. Klee, Ph.D.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   |                |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    |                |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   |                |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     |                |

### 2. EXCESS CLAIM FEES

| Fee Description  | Fee (\$)            | Small Entity Fee (\$) |
|--|---------------------|-----------------------|
| Each claim over 20 (including Reissues)                                | 50                  | 25                    |
| Each independent claim over 3 (including Reissues)                     | 200                 | 100                   |
| Multiple dependent claims  | 360                 | 180                   |
| <b>Total Claims</b>  | <b>Extra Claims</b> | <b>Fee (\$)</b>       |
| - 20 or HP =   | x                   | =                     |
| HP = highest number of total claims paid for, if greater than 20.      |                     |                       |
| <b>Indep. Claims</b>   | <b>Extra Claims</b> | <b>Fee (\$)</b>       |
| - 3 or HP =  | x                   | =                     |
| HP = highest number of independent claims paid for, if greater than 3. |                     |                       |

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
| - 100 =      | / 50 =       | (round up to a whole number) x                   | =        |               |

### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Late filing surcharge

Fees Paid (\$)

\$65.00

## SUBMITTED BY

Signature

Maurice Klee

Registration No. 30,399  
(Attorney/Agent)

Telephone (203) 255-1400

Name (Print/Type)

Maurice M. Klee, Ph.D.

Date 27 June 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Rec'd T/PTO 27 JUN 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

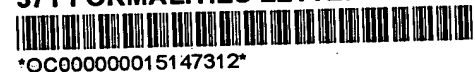
|   |   |                             |
|---|---|-----------------------------|
| U.S. APPLICATION NUMBER NO.<br>10/501,846 | FIRST NAMED APPLICANT<br>Ellis I Betensky | ATTY. DOCKET NO.<br>LCI-101 |
|---|---|-----------------------------|

|   |
|---|
| INTERNATIONAL APPLICATION NO.<br>PCT/US02/41525 |
|---|

|                                |                             |
|--------------------------------|-----------------------------|
| I.A. FILING DATE<br>12/23/2002 | PRIORITY DATE<br>12/26/2001 |
|--------------------------------|-----------------------------|

23520  
 MAURICE M KLEE  
 1951 BURR STREET  
 FAIRFIELD, CT 06824

CONFIRMATION NO. 6391  
 371 FORMALITIES LETTER



Date Mailed: 02/10/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 06/25/2004
- Copy of the International Search Report filed on 06/25/2004
- Copy of IPE Report filed on 06/25/2004
- Preliminary Amendments filed on 06/25/2004
- Information Disclosure Statements filed on 06/25/2004
- Oath or Declaration filed on 06/25/2004
- Small Entity Statement filed on 06/25/2004
- U.S. Basic National Fees filed on 06/25/2004
- Assignment filed on 06/25/2004
- Priority Documents filed on 06/25/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DARRELL G COTTMAN

Telephone: (703) 308-9140 EXT 203

**PART 1 - ATTORNEY/APPLICANT COPY**

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/501,846                  | PCT/US02/41525                | LCI-101          |